

Lindsay P. S. Kolba, Assistant United States Trustee
State Bar #GA 541621

E-filed on August 4, 2020

UNITED STATES DEPARTMENT OF JUSTICE
Office of the United States Trustee
300 Las Vegas Boulevard, So., Suite 4300
Las Vegas, Nevada 89101
Telephone: (702) 388-6600 Attorney Ext. 235
Facsimile: (702) 388-6658
lindsay.p.kolba@usdoj.gov

Attorneys for the United States Trustee
TRACY HOPE DAVIS

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re)	Case No. BK-S-08-23268-bam
)	
JEFFREY JAEGER, and)	Chapter 7
)	
AMY JAEGER)	
)	Date: N/A
)	Time: N/A
<u>Debtor(s).</u>)	

**EX PARTE MOTION OF THE UNITED STATES TRUSTEE FOR AN
ORDER REOPENING CASE PURSUANT TO 11 U.S.C. §350(b)**

To the Honorable Bruce A. Markell, United States Bankruptcy Judge:

The United States Trustee ("UST") hereby moves the Court for an order reopening this case pursuant to 11 U.S.C. § 350(b) and F.R.B.P. 5010. This motion is made and based upon the following Memorandum of Points and Authorities and the pleadings and papers filed in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

1. Debtors filed a voluntary petition under Chapter 13 of the Bankruptcy Code on November 07, 2008 and converted to Chapter 7 on December 29, 2008.

2. On October 12, 2010, this Case was closed and James F. Lisowski, Sr. was discharged

1 of all duties as the trustee in the case.

2 3. The United States Trustee wishes to reopen this Chapter 7 case because after Debtors
3 received their discharge and the case was closed, the United States Trustee received notification
4 that Debtors are entitled to receive proceeds from a settlement resulting from an undisclosed
5 legal action which can be administered for the benefit of the bankruptcy estate.
6

7 4. Pursuant to 11 U.S.C. § 350, a bankruptcy case may be reopened in the court in which
8 the case was closed to administer assets, to accord relief to the debtor, or for other cause. 11
9 U.S.C. § 350(b). The case may be reopened on motion of the debtor or other party in interest.
10 FRBP 5010. The court may order the appointment of a trustee in a reopened Chapter 7 case if
11 the court determines that a trustee is necessary to protect the interests of creditors and the debtor
12 or to insure efficient administration of the case. *Id.* The Code section and associated rule make
13 no provision for a hearing or other procedures. *Id.* A bankruptcy court may rule on a motion to
14 reopen a bankruptcy case without a hearing. *Redmond v. Fifth Third Bank*, 624 F.3d 793 (7th
15 Cir. 2010).
16
17

18 5. As there appear to be assets which need to be liquidated and distributed to creditors, to
19 protect the interests of creditors and debtors and to ensure the efficient administration of the
20 estate, a Chapter 7 trustee should be appointed pursuant to F.R.B.P. 5010.
21

22 WHEREFORE, the United States Trustee requests that the Court enters an order
23 reopening this case pursuant to 11 U.S.C. § 350(b) and directing the United States Trustee to

24 ///

25 ///

26 ///

27 ///

1 appoint a Chapter 7 trustee.

2 Dated: August 4, 2020

3 Respectfully submitted,
4 **TRACY HOPE DAVIS**
5 **THE UNITED STATES TRUSTEE**

6 By: /s/ Lindsay P. S. Kolba
7 Lindsay P. S. Kolba
8 Assistant United States Trustee
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28